IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

CRP.No. 2466 OF 2001()

I.A. 1056/2001 IN OS.909/1998 OF II ADDL.MUNSIFF COURT, NEYYATTINKARA

REVN. PETITIONER/PETITIONER/PLAINTIFF

RATNAMMA SANDHYA,
VALIYAVILA VEEDU,
ARUMANOOR DESOM,
TIRUPURAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS/CR. PETITIONERS/DEFENDANTS:

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1. LIZY PHILOMINA,
CHERUPUNNAKKALA PUTHEN VEEDU,
KUNNATHUKAL, KUNNATHUKAL PAKUTHY.

2. SATHYAPPU LIZY,
CHETUPUNNAKKALA PUTHEN VEEDU,
KUNNATHUKAL,
KUNNATHUKAL PAKUTHY.

3. CHELLAPPAN NADAR RAJU,
CHERU PUNNAKKALA PUTHEN VEEDU,
KUNNATHUKAL, KUNNATHUKAL PAKUTHY. (DELEATED)

(R3 IS DELETED FROM THE PARTY ARRAY VIDE ORDER DATED 4.8.2006 IN I.A. 2186/2006)

R1 BY ADV. SMT.I.SHEELA DEVI
SMT.REJI RAMACHANDRAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP NO. 2466/2001

ORDER ON CMP NO. 5250/2001 IN C.R.P. 2466/2001

// DISMISSED //

14TH MARCH, 2007.

SD/-
P.R. RAMAN, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN
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C.R.P. NO. 2466 OF 2001
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DATED THIS, THE 14TH DAY OF MARCH, 2007.

O R D E R

This revision is filed against the order in I.A. 1056/2001 in O.S. 909/1998 on the file of the II Additional Munsiff Court, Neyyattinkara. The above said application was filed by the petitioner herein seeking amendment of the plaint which was allowed partly. As per the proviso to Section 115 of the Code of Civil Procedure, such an order is not revisable under Section 115. Even though the amendment introducing the proviso was subsequent to the filing of the revision petition, the same is being procedure in nature, amendment provision will apply, as held by the apex court. However, the contention as raised by the petitioner is left open to be considered in case it is raised after the culmination of the proceedings, in an appeal or revision, as the case may be.

Dismissed.

P.R. RAMAN,
(JUDGE)

knc/-

P.R. RAMAN, J.
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C.R.P. 2466/2001
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O R D E R

14TH MARCH, 2007.